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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

WRIT PETITION NO.6609 OF 2007

Govind Keshav Shetye & Ors. ..Petitioners

Vs.

Union of India & Ors.....Respondents

Mr. Rajesh D. Bindra, for the Petitioners.

**CORAM: F.I. REBELLO &
J.P.DEVADHAR, JJ.**
DATED: 10th September, 2007

P.C.:

. It is the case of the petitioner that the cash which was seized belonged to HUF, but not to the Assessee Jagannath K. Shetye. The representation of the petitioner was considered and dealt with by communication dated 16th August, 2007. The Assistant Commissioner of Income Tax Circle-13 considered the contentions as advanced by the petitioner by communication dated 24th June, 2002 and in view of the stand taken by Shri Jagannath K. Shetye, the Assistant Commissioner noted that Shri Jagannath K. Shetye had owned up the entire cash found as his undisclosed come for the block period. A further finding is recorded that the only source of income of the entire Shetye family is through Jai Shakti Printing Press, which is a proprietary concern of the Assessee. The communication also

notes that the Department has assessed the block income in the individual capacity of Shri Jagannath K. Shetye. No return was also filed by the HUF and as such the question of the assessment in the hands of HUF does not arise. The communication also notes that the order was passed on 31st July, 2002 under Section 158BC in the individual capacity of Shri Jagannath K. Shetye determining undisclosed income for the block period commencing from assessment years 1991-92 to 2000-01. It is not necessary to go to other facts. Suffice it to say that the Department has released cash of Rs.33,79,384/- to Shri Jagannath K. Shetye from whom the cash was seized.

2. It will be clear therefore that the HUF had not claimed the said amount nor had filed any return in respect thereof. The concerned Authorities have assessed it in the hands of Shri Jagannath K. Shetye. That was way back in the year 2002.

. The petitioners have approached this Court now contending that it belongs to HUF.

. In our opinion this exercise apart from being belated cannot be considered in the exercise of our extra ordinary jurisdiction considering the stand of Jagannath K. Shetye and the income being assessed in his hands. Hence petition rejected.

(-3-)

(J.P. DEVADHAR, J.)

(F.I. REBELLO, J.)